

# **EXHIBIT L**

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF KERN  
BEFORE THE HONORABLE LORNA H. BRUMFIELD, JUDGE  
DEPARTMENT 17

COLEEN M. PERRY AND PATRICK )  
PERRY, )  
Plaintiff, )  
vs. ) Case No.  
HUNG T. LUU, M.D.; JOHNSON & ) S-1500-CV-279123 LHE  
JOHNSON, a New Jersey )  
corporation; ETHICON, INC., a New ) Pages 2429 - 2649  
Jersey corporation; and DOES )  
1-60, )  
Defendants. )  
)  
)  
)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

TRIAL - DAY FOURTEEN

February 3, 2015

Reported By:

B. Suzanne Hull

CSR No. 13495

Official Reporter

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<p>1 because you can't predict. The changes can      2 happen, and you can't predict when and the      3 implications of those changes."</p> <p>4 At Page 88 of Dr. Guelcher's deposition the      5 question is posed, quote, Line 2:      6       "In the paper by Jim Anderson, does he      7 state that macrophages in foreign body cells      8 continue to release the substances at the      9 site of the foreign body as years continue      10 to progress and they remain activated? Is      11 that conclusively stated in the paper?"      12 And the answer starts at Line 8, Your Honor,      13 but I am going to -- I am going to jump in here at      14 Line 15, quote:      15       "So what he is saying" --      16 Talking about Dr. Anderson.      17       "-- and then what his point is is as      18 long as the device is there, there is going      19 to be -- foreign body reaction is ongoing      20 and that these factors need to be considered      21 in the design of the medical device. That      22 is what he says."      23 I think this may be the last reference,      24 Your Honor. The question is posed at Page 229,      25 quote:      26       "But somebody at Ethicon would actually      27 have to have believed that this Cobalt study      28 you referenced and the solutions are what</p>	<p>1 design characteristics.      2 He goes on to say he will testify about the      3 body and the mesh inability leads to mesh      4 degradation, embrittlement, structural degradation,      5 and other changes. That is a design implication      6 opinion, Your Honor.      7 He talks about antioxidants, which we have      8 already discussed.      9 He goes on to say, quote:      10       "Ethicon's own internal studies found      11 degradation of the Prolene® but did not      12 consider the effects of the foreign body      13 reaction, which is known to produce reactive      14 oxygen species that are stronger oxidizers      15 than molecular oxygen in air."      16 Again, this is a design consideration that      17 Dr. Guelcher will testify about.      18 And, lastly, from his disclosure,      19 Your Honor, the -- he says that, quote:      20       "The mesh can lead to tissue damage and      21 destruction, chronic foreign body reaction      22 and chronic inflammatory response,      23 extrusion, inflammation and pain, making the      24 mesh in Ethicon's TVTTM Abbrevio not suitable      25 for its intended application as a permanent      26 implant for stress urinary incontinence."      27 It being not suitable, Your Honor, again,      28 is a design factor that a -- that a reasonable</p>
<p style="text-align: center;">Page 2559</p> <p>1 actually occurs from macrophages at the      2 unknown concentration in the body."      3 There is a long answer, then another      4 question:      5       "The urethane catheters, were those      6 Ethicon products?      7       "No."      8 And he goes on to say:      9       "I think you have to ask the question      10 that when you are designing a biomedical      11 device, what is the material made of and is      12 that a problem?      13       "QUESTION: Well, there could be folks      14 at Ethicon who have relevant experience who      15 looked at the paper by Anderson and his      16 Cobalt solution and say that the test      17 actually looked like we represent the      18 foreign body reaction in the body."      19 And, again, he is talking about the      20 design -- the design of the -- of the mesh products,      21 Your Honor.      22       Additionally, in his designation as an      23 expert witness in the case, Your Honor, he states      24 that based upon his experience, education and      25 training, and review of pertinent information, he may      26 testify, A, the material characteristics of Ethicon's      27 Prolene® mesh used is TVTTM Abbrevio.      28 Material characteristics, Your Honor, are</p>	<p style="text-align: center;">Page 2561</p> <p>1 manufacturer must consider before implementing that      2 product and putting it in a permanent human implant.      3 On the reliance list, Your Honor --      4 THE COURT: Why don't we talk about the Dunn      5 study.      6 MR. FREESE: The Dunn study?      7 THE COURT: Is it Dunn?      8 MR. CARTMELL: Dog.      9 MR. FREESE: Dog.      10 THE COURT: No. Not dog. The one that he      11 had -- had completed -- well, the one that wasn't      12 completed. The one that was mentioned in the motion      13 in limine.      14 MR. FREESE: Your Honor, can I let      15 Mr. Cartmell answer this because I was not at that      16 deposition. And I apologize, but I think Tom can      17 answer this better than I can.      18 MR. CARTMELL: If you don't mind,      19 Your Honor, we are not offering the results of his      20 testing.      21 THE COURT: Are you going to talk about it      22 at all?      23 MR. CARTMELL: No.      24 THE COURT: Okay. Very well then.      25 MR. SNELL: Your Honor, should I go ahead?      26 THE COURT: He is not done. Let him wrap it      27 up.      28 MR. FREESE: I am still making my record,</p>

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1 STATE OF CALIFORNIA )  
2 COUNTY OF KERN ) ss:  
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I, B. Suzanne Hull, hereby certify that I, as  
Official Reporter, Kern County Superior Court, was  
present and took down correctly in stenotypy, to the  
best of my ability, all the testimony and proceedings  
in the foregoing-entitled matter; I further certify  
that the pages reported and certified by me are  
indicated with my name and CSR number at the bottom  
of the page; and I further certify that the annexed  
and foregoing is a full, true and correct statement  
of such testimony.

Dated at Bakersfield, California, on  
February 3, 2015.

B. SUZANNE HULL

Official Reporter, CSR No. 13495